

**PUBLIC COMMENT DRAFT #2  
JUNE 15, 2007  
FOR DISCUSSION ONLY  
NOT YET APPROVED BY THE CITY ATTORNEY**

**PROPOSED AMENDMENTS TO ARTICLE VII OF CHAPTER 33  
OF THE CODE OF ORDINANCES RELATING TO THE  
OLD SIXTH WARD PROTECTED HISTORIC DISTRICT**

**Section 33-201. Definitions.**

<"Design guidelines means the design guidelines for the Old Sixth Ward protected historic district approved by the city council pursuant to division 6 of this article."

"Old Sixth Ward protected historic district or OSWPHD means the protected historic district established by the city council pursuant to division 6 of this article.">

**Sec. 33-240. Criteria for issuance of certificates of appropriateness--General.**

Except as provided in sections 33-248 and 33-249 of this Code, the HAHC shall review and approve, approve with conditions, or disapprove a certificate of appropriateness pursuant to the applicable specific criteria in this division or, if a conservation plan for an historic district has been approved pursuant to section 33-268 of this Code, the criteria in the conservation plan. <In considering and acting upon a certificate of appropriateness for any property located within the Old Sixth Ward protected historic district, the HAHC shall use the design guidelines to determine whether the application meets the applicable specific criteria of this division.> The applicant for a certificate of appropriateness shall have the burden of demonstrating that the application satisfies the criteria applicable to the issuance of the certificate of appropriateness. To approve or disapprove an application for a certificate of appropriateness, the HAHC shall consider and make findings with respect to the relationship between the proposed activity and the applicable criteria. The HAHC shall take into consideration the current needs of the applicant and shall be sensitive to the property owner's financial condition in determining whether to issue a certificate of appropriateness.

**Sec. 33-250. Ninety-day waiver certificate.**

(a) Except as provided in subsection (c) of this section, if for any reason a certificate of appropriateness has not been issued on or before the ninetieth day following the filing of a complete application for a certificate of appropriateness with the planning official, then the applicant, upon request to the planning official, shall be entitled to the immediate issuance of a 90-day waiver certificate, which shall for all purposes be the equivalent of a certificate of appropriateness.

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(b) Before the expiration of the 90 days, the applicant shall consult with department staff to explore alternatives to the actions proposed by the applicant to mitigate the reasons for which the certificate was denied. Notwithstanding the foregoing, any property for which a 90-day waiver certificate is granted pursuant to the provisions of this section shall not be eligible for any tax exemptions or other financial benefit authorized by the city council for the property based on its designation pursuant to this article.

(c) The planning official shall not issue a 90-day waiver certificate for any protected landmark <or for any property located within the Old Sixth Ward protected historic district>.

**Sec. 33-254. Demolition by neglect.**

The owner <of a contributing structure or potentially contributing structure located within the Old Sixth Ward protected historic district or> of a protected landmark shall not permit the <contributing structure or potentially contributing structure or> protected landmark to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature. The city should establish rules and procedures by which neighboring landowners and residents could initiate processes to remove landmarks in a serious state of disrepair from protected status.

<DIVISION 6. OLD SIXTH WARD PROTECTED HISTORIC DISTRICT

**Sec. 33-275. Designation of Old Sixth Ward protected historic district.**

In recognition of the unique historical significance of the Old Sixth Ward area and in furtherance of the project plan and reinvestment zone financing plan of the Old Sixth Ward tax increment reinvestment zone (Reinvestment Zone Number Thirteen, City of Houston, Texas), there is hereby designated an area to be known as the Old Sixth Ward protected historic district. The purpose of the designation is to provide additional protection against the irretrievable loss or alteration of the historic structures with the OSWPHD and new construction that is not compatible with the historic structures in the district. The area included in the OSWPHD is shown on the map attached as Appendix A to this article. The provisions of section 33-250(a) of this Code shall not apply to a certificate of appropriateness for any structure or property within the OSWPHD.

**Sec. 33-276. Approval of design guidelines.**

The city council hereby approves design guidelines to be applicable to all property within the Old Sixth Ward protected historic district. A copy of the design guidelines is to

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be maintained in the office of the city secretary and on the website of the department. The HAHC shall refer to the design guidelines in determining whether an application for certificate of appropriateness satisfies the applicable criteria of division 4 of this article and in making the findings required by section 33-240 of this Code.>